

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# AGENDA

Wednesday, June 14, 2006  
9:00 a.m.

Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, May 31, 2006, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, June 7, 2006 will not be provided to the Regional Board members and will not be considered by the Regional Board.

***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: [rb9agenda@waterboards.ca.gov](mailto:rb9agenda@waterboards.ca.gov) to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, May 31, 2006.

**Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.**

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: April 12, 2006.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

**Consent Calendar: Items 5 through 9 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)**

5. Update of Waste Discharge Requirements: Waste Discharge Requirements for Fallbrook Public Utility District Treatment Plant No. 1 Reclamation Project, San Diego County (tentative Order No. R9-2006-0064) (*Victor Vasquez*)
6. Waste Discharge Requirements: Waste Discharge Requirements for California Department of Transportation, Descanso Maintenance Station, San Diego County (tentative Order No. R9-2006-0063) (*Victor Vasquez*)
7. Update of Waste Discharge Requirements for the Pauma Valley Community Services District, Pauma Valley Treatment Plant, San Diego County (tentative Order No. R9-2006-0049) (*Eric Becker*)
8. Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Standards Certification for Stonewood, Inc., The Vineyard Project, City of Murrieta, Riverside County (tentative Order No. R9-2006-0028) (*Jeremy Haas*)
9. Revision of Waste Discharge Requirements: Water Recycling requirements for the Production and Purveyance of Recycled Water for the City of San Diego South Bay Water Reclamation Plant, San Diego County (tentative Addendum No. 2 to Order No. R9-2000-0203) (*Melissa Valdovinos*)

**Remainder of the Agenda (Non-Consent Items):**

10. NPDES Permit Reissuance: Waste Discharge Requirements for the City of San Diego South Bay Water Reclamation Plant Discharge to the Pacific Ocean via the South Bay Ocean Outfall (tentative Order No. R9-2006-0067, NPDES Permit No. CA0109045) (*Melissa Valdovinos*)
11. NPDES Permit: Waste Discharge Requirements for the Poseidon Resource Corporation, Carlsbad Desalination Project, Discharge to the Pacific Ocean via the Encina Power Station discharge channel, San Diego County (tentative Order No. R9-2006-0065,

NPDES Permit No. CA0109223) (*Charles Cheng*)

12. Supplemental Environmental Project (SEP): Metropolitan Transit System (MTS), San Diego. The Regional Board will consider funding a \$50,000 SEP proposal. Proposal of a SEP is part of the settlement of the \$150,000 Administrative Civil Liability Order (ACL) No. R9-2005-0173 adopted by the Regional Board on September 14, 2005. (Tentative Resolution R9-2006-0074) (*Vicente Rodriguez*)
13. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against the City of Carlsbad for violations of Order No. 99-08-DWQ, Statewide General Construction Storm Water Permit, at the Municipal Golf Course project at 5800 Hidden Valley Road, Carlsbad, California, WDID No. 9 37C337203. (Tentative Order No. R9-2006-0009) (*Frank Melbourne*)
14. Report on Toxicity in Industrial Stormwater Discharges from US Navy facilities to San Diego Bay. The US Navy will present the results of its study titled, Stormwater Toxicity Evaluation at: Naval Station San Diego, Naval Submarine Base San Diego, Naval Air Station North Island and Naval Amphibious Base Coronado and present toxicity alternatives based on the results of the study. (*Michael McCann*)
15. *Executive Session* - Discussion of Ongoing Litigation  
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

*WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50.* Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (*Frank Melbourne*)

*Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689.* Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water.

*Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

*Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

*People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States*

*Section, et al.*. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61

*San Diego Unified School District, a public school district, Plaintiff v. County of San Diego, a public entity, San Diego Regional Water Quality Control Board, a public entity and DOES 1 through 25, inclusive, Defendants.* Superior Court of the State of California for the County of San Diego, Case No. GIC840390; First Amended Complaint for: 1) Breach of Contract-Lease Agreement, 2) Breach of Contract-Sharing Agreement, 3) Quantum Meruit; 4) Express Indemnity; 5) Implied Indemnity and Contribution; 6) Equitable Indemnity Contribution; 7) Nuisance; 8) Trespass; 9) Inverse Condemnation; 10) Preliminary and Permanent Injunction; 11) Declaration of Relief Against the County of San Diego; and 12) Declaration of Relief Against the Regional Water Board and County. (*Brian McDaniel*)

16. *Executive Session* - Consideration of Initiation of Litigation  
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
17. *Executive Session* - Discussion of Pending Litigation  
The Regional Board may meet in closed session to discuss pending litigation.
18. *Executive Session* - Personnel  
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
19. Arrangements for Next Meeting and Adjournment  
Wednesday, June 21, 2006 - 9:00 a.m.  
Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California

### **Notifications**

**A.** Rainbow Steel, Inc., La Mesa: On April 3, 2006, the Regional Board Executive Officer issued Cleanup and Abatement Order No. R9-2006-0026 (CAO) to owners of several companies operating at a metal fabrication business known as Rainbow Steel Inc., located at 8332 Case Street, La Mesa. They include; 8332 Case Street Investment, LLC; Rainbow Steel, Inc.; Gamboa, Inc.; Metro Steel; San Diego Custom Stone; Unique Fabrication Installation; Henry Gamboa; Tony Gamboa; Ken Gamboa; Jally Gamboa; Raul Quintero; and Jorge Aragon. The CAO, issued for violations of the Statewide General Industrial Storm Water Permit (97-03-DWQ), directs the dischargers to implement Best Management Practices (BMPs), to conduct water quality monitoring, and to submit monitoring and technical status reports. The first technical report is due by June 15, 2006, requiring the dischargers to document that all tasks have been completed. Additional information can be found on the Regional Board's website at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego) or by contacting Vicente Rodriguez at 858-627-3940 or [Rodriguez@waterboards.ca.gov](mailto:Rodriguez@waterboards.ca.gov). (*Vicente Rodriguez*)

B. Active Auto Dismantlers, Inc., San Diego: On May 12, 2006, the Regional Board Executive Officer issued Administrative Civil Liability Compliant No. R9-2006-0048 recommending a \$3,000 assessment of civil liability against the Active Auto Dismantlers, Inc. for violations of the monitoring and reporting requirements contained in Order No. 97-03-DWQ, National Pollutant Discharge Elimination System Permit (NPDES) General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (General Permit). The Complaint alleges that Active Auto Dismantlers, Inc. failed to submit the FY 2003/04 annual report and submitted an inaccurate, incomplete and misleading FY 2004/05 annual report. Additional information can be found on the Regional Board's website at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego) or by contacting Rebecca Stewart at (858) 467-2966 or [Rstewart@waterboards.ca.gov](mailto:Rstewart@waterboards.ca.gov). (*Rebecca Stewart*)

#### DIRECTIONS TO REGIONAL BOARD MEETING

- From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3<sup>rd</sup> stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.
- From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2<sup>nd</sup> stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.